

**REMARKS**

Claims 1-20 are all the claims pending in the application.

**Claim Objections**

The Examiner objected to claims 10, 11 and 18-20 for containing quotations marks surrounding certain words or phrases. In view of the present claim amendments, Applicants respectfully request that the Examiner withdraw this objection.

**Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 6, 7 and 14 under § 112, second paragraph, as being indefinite. In particular, the Examiner cited the use of the term “relevant application” as being indefinite within claims 6 and 14. Claim 7 was rejected as being dependent upon claim 6. Applicants respectfully request that the Examiner withdraw this rejection in light of the present amendments to claims 6 and 14.

**Claim Rejections - 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-3, 5-7 and 20 under § 102(b) as being anticipated by *WAVs MIDIs & RealAudio: Enjoying Sound on Your Computer*, Judi N. Fernandez (MIS:Press 1998), hereinafter “Fernandez.” Applicants traverse this rejection as follows.

The Examiner has attempted to combine, without proper motivation, different embodiments disclosed within Fernandez.

Fernandez is a book discussing different components available with the Windows Operating system or downloadable as shareware. In making this rejection of claim 1, the Examiner attempts to combine portions of the Jet-Audio shareware (*citing* pg. 32-34, Figures 2-11 and 2-12) with: (1) a separate Windows find function (*citing* pg. 66-68, Figure 4-18); and (2) Cool Edit 96 for Windows another software component that permits the converting of sound filed from one format to another. (*citing* pg. 263-270)

Additionally, the Examiner similarly combines different components in the rejection of claim 20.

Regarding this attempted § 102(b) combination, the Examiner is attempting to combine the features of three independent programs that run in the Windows environment. However, it is well settled that different embodiments may not be combined absent a suggestion to do so. *Ex parte Beuther*, 71 USPQ2d 1313, 1316 (BPAI 2003); *In re Arkley*, 455 F.2d 586, 587-588, 172 USPQ 524, 526 (CCPA 1972). Because no suggestion for combining these different software components exists within this or any other reference provided by the Examiner, the rejection by the Examiner is invalid. Additionally, the Examiner has failed to provide any suggestion to combine these embodiments.

Furthermore, the reference cited by the Examiner merely contains cursory descriptive material related to how a user may use the different applications disclosed therein. This reference does not contain an adequate description that would enable one of ordinary skill in the art to make the invention. Therefore, the reference is not valid as it is not enabling.

Thus, Applicants submit that the rejection of claims 1-3, 5-7 and 20 is erroneous and, thus, these claims are allowable over Fernandez.

**Claim Rejections - 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-6 and 8-20 under § 102(e) as being anticipated by Lok et al. (US 2002/0129036 A1; “Lok”). Applicants traverse this rejection as follows.

**Independent claims 1, 12 and 20**

Claims 1, 12 and 20 as amended recite, *inter alia*, “a display driving unit that displays the search window and the edit window together in a single display screen.” However, while Lok discloses a Play Mode window that permits the user to search according to a predefined criteria (para. [0101-0102]), and also an Editor Window for creating a new playlist ([0088]), Lok fails to

disclose that a search window and an editor window are displayed together in a single display screen. No portion of Lok indicates that the Internet Jukebox 102 is capable of such a display.

Thus, Applicants respectfully submit that independent claims 1, 12 and 20 are allowable over the applied reference. Furthermore, dependent claims 2-11 and 13-19 are allowable, at least because of their dependency.

### **Claim 6**

Regarding claim 6, Applicants submit that Lok fails to teach or suggest, at least, an application driving unit that drives an application configured to manipulate a type of media file selected, and manages the media file through the application. The Examiner cites pages 2-4, paragraphs [0033]-[0072] and page 7, paragraphs [0152]-[0158] to disclose this feature.

In contrast, Applicants respectfully submit that these portions of Lok do not disclose an application driving unit that (1) drives an application configured to manipulate a type of media file selected, and then (2) manages the media file through that application.

For example, Lok discloses that when connected to an external device (CD -DA disc playback or MP3 playback), the device (iJB 102) is connected via a USB port to a USB-equipped device (CD recorder 100) (*see* FIG. 8). If recording is to occur, Lok describes that the process is in fact a file transfer in either direction between the system and the device. (para. [0034])

When the media file from the CD is recorded on the iJB 102, the iJB does not drive an application configured to manipulate the CD file and then manage the file through the application. What in fact occurs, as described by Lok, is that the user is prompted to select from a number of compression rates to be used during the MP3 conversion process. As shown in FIG. 9, this MP3 conversion occurs in the MP3 Codec of the CD recorder 100. (para. [0155]) Thus,

the CD recorder, which is configured to manipulate the CD media file, drives both the CD Block Codec and the MP3 Codec as shown in FIG. 9. Then, the USB controller (high speed data bus 104) is merely executing the file transfer as described in paragraph [0034] of the MP3 signal.

Next, the MP3 signal is transferred to the iJB 102 through the USB 104 into the hard drive 144 by the iJB host controller 800. The process is outline below for clarification:

Step 1 - user selects to record CD file into iJB 102.

Step 2 - CD recorder 100 converts CD filed into MP3 signal in MP3 Codec of CD recorder 100. **(This is the application configured to manipulate the CD file)**

Step 3 - MP3 signal is transferred to the iJB through the USB 104 and stored on the hard drive 144 by the iJB host controller 800. **(This is the management of the media file)**

Clearly, the application performing the management (host controller 800 on MP3 signal) is different than that which is configured to manipulate the type of file selected, i.e. CD file is selected, (CD recorder 100, CD Codec, and MP3 Codec). The CD recorder is configured to manipulate the CD file selected using the CD Codec and the MP3 Codec, however, the management (recording and storage) is controlled by the iJB after the file is converted by the CD recorder and transferred via USB to the iJB.

Even if the Examiner alleges that the CD recorder is the application configured to manipulate the type of media file selected, the CD recorder does not manage the media file, the iJB does so.

Thus, Applicants submit that claim 6 is also allowable because Lok fails to disclose all the recited features of claim 6.

**Claim 9**

Regarding claim 9, Applicants submit that Lok fails to teach or suggest a media file management unit that causes results of the execution of a file edit command for a media file selected in the edit window to be displayed in the search window.

Lok discloses the use of two windows when creating a new playlist. (*see* para. [0088]) First, in the “file search window” (i.e. top window of 506) options such as “playlists,” “all songs,” and “albums” are displayed. (para. [0088]) Second, below this window is the edit window, which is labeled the “New Playlist” in each of 506, 512, 514, 534 of Figure 6. As is depicted in Figure 6, and discussed in paragraphs [0088]-[0091], the top window (file search) is used to search the existing albums and playlists so that the file to be edited ( added to New Playlist) may be selected. After this file within the file search window is selected, the file (album or playlist) is copied into the “New Playlist” or edit window. Thus, the files displayed in the top window are merely selected, and the “New Playlist” file in the lower window is edited by adding or deleting files.

However, no portion of Lok discloses that when a file in the edit window is selected, i.e. one in the New Playlist, that this file appears in the upper file search window, as recited.

Thus, Applicants submit that claim 9 is also allowable over the applied reference Lok for this reason.

**Claims 11, 19 and 20**

Regarding claims 11, 19 and 20, although claims 19 and 20 were not addressed with specificity by the Examiner, Applicants will treat these claims similar to claim 11. The Examiner rejected claim 11 stating:

[T]he limitations of “copies” and “moves” have been interpreted as optional limitations because they are performed only when the command is selected. Alternative interpretation is that “copies” and

“moves” are not performed if the command are not selected; therefore, not required. For the instant rejection, claim 11 has been interpreted as the “copying” and “moving” are not selected; therefore, not required. Therefore, the disclosure cited above anticipates the invention embodied by claim 11.

Applicants submit that this claim is not an optional feature. Claim 11 states that the media file management unit: (1) is configured to copy the media file selected in the search window into the edit window in response to the Copy command being selected; and (2) is configured to move the media file selected in the search window into the edit window in response to the Move command being selected.

The Examiner seems to believe that because the user need not necessarily select one of the given commands that it is optional. To the contrary, Applicants submit that claim 11 requires that a system be configured such that if the command Copy or Move is selected, that the media file be copied or moved accordingly.

Because Lok does not disclose any Move command that moves a media file to an edit window when selected in the search window, Applicants submit that claim 11 is allowable over Lok. Additionally, because claims 19 and 20 contain similar features, Applicants submit that these claims are allowable for at least the same reasons.

### **Conclusion**

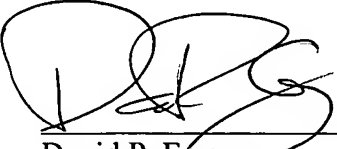
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. 1.111  
U.S. Appln. No. 10/647,300

Atty. Dkt. No. Q76059

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
David P. Emery  
Registration No. 55,154

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 2, 2006